



**MEMORANDUM IN OPPOSITION OF**  
**Part O of S.8308-B**  
**Renewable Action Through Project Interconnection and Deployment Act (RAPID Act)**

March 2024

The Alliance for Clean Energy New York (ACE NY) opposes Part O in the Senate’s proposed Transportation and Environment Budget Article VII Bill (S.8308-B). In the Governor’s original proposal, the provisions of the Renewable Action Through Project Interconnection and Deployment Act (RAPID Act) would transfer the Office of Renewable Energy Siting (ORES) from the Department of State to the Department of Public Service, allow ORES to grant siting permits for transmission projects, and require the Public Service Commission to open a proceeding on the timely interconnection of distributed energy resources to the electrical grid. The Senate proposal adds in language from S.1793-C which relates to restricting renewable energy development on farmland, the review of permit applications to develop renewable energy projects and amends the regulations of ORES.

Although ACE NY supports the original Governor’s proposal to streamline all the additional transmission projects that must be reviewed and permitted to reduce the deliverability and curtailment problems new renewable projects currently experience, the amended language the Senate has added to Part O will hamper renewable energy development and delay us in meeting ALL of our climate law goals, as the electrification of buildings and cars requires us to build more green energy.

ACE NY believes that solar energy and farming can exist alongside one another, and each industry can help the other in meaningful ways while supporting individual farmers and their communities. ACE NY and its members serve on the NYS Agricultural Technical Working Group and have participated in the NYS Farmland Protection Working Group. In New York, all solar projects must adhere to the NYS Dept. of Agriculture and Markets mitigation guidelines for solar projects on agricultural land, protecting topsoil and preventing permanent farmland loss. The guidelines protect agricultural soils and are an important part of obtaining permits from ORES.

Additionally, NYSERDA’s procurement process encourages developers to avoid prime agriculture soils. If the projects do not completely avoid these soils, companies must pay a mitigation fee. Since this modification was made projects have decreased their projects’ footprint on prime agriculture soils. This is a powerful incentive for project developers to avoid prime soils, pursue agricultural co-location plans, and has proven to be effective. Despite this incentive structure, the Senate Part O imposes an additional farmland conservation fee that fails to incorporate the existing sensitivities in siting solar projects and may make projects more expensive to rate payers in the long term.

Solar projects are always and only built on land owned by willing landowners, who are often farmers that seek additional income to stay in farming or supplement their revenues. Solar projects offer farmers a steady revenue stream for decades, allowing their farm enterprise to continue in production. Recognizing the win-win outcomes that co-location of solar projects sited on agricultural land offers, the Alliance for Clean Energy New York (ACE NY) recently released a first-of-its-kind report [Agrivoltaics in New York: Framing the Opportunity](http://www.aceny.org/agrivoltaics)<sup>1</sup>, that will help guide the increasingly important conversation in New York around solar energy project development on farmland.

For the above reasons, the Alliance for Clean Energy New York opposes this legislation. For more information contact Deb Peck Kelleher, interim executive director, at (c) 518-698-3211. All of ACE NY’s memos on legislation are available at <https://www.aceny.org/legislative-actions>.

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<sup>1</sup> <http://www.aceny.org/agrivoltaics>